

**PLAINTIFF'S PROPOSED INSTRUCTION NO. 3 - RE CONTRACT MODIFICATION**

The plaintiff claims that, after the contract was made, the parties agreed to change or modify the terms of the original contract.

To find that the terms of the original contract were changed, you must decide that it is more likely true than not true:

- (1) that plaintiff gave or promised to give defendant something of value in exchange for that party agreeing to the change in the terms of the original contract; and
- (2) that both parties agreed to the change in terms. An agreement may be implied from conduct or words. The law does not require that the conduct or words be in any special form.

If you decide that both of these things are more likely true than not true, then the parties changed their original contract.

Otherwise, the parties did not change their original contract.